

UNITED STATES DISTRICT COURT

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for

Eastern District of Washington

Dec 28, 2020

SEAN F. MCAVOY, CLERK

U.S.A. vs. Sampson, Joshua Cole Docket No. 0980 1:19CR02056-SAB-1

**Petition for No Action on Conditions of Pretrial Release**

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Joshua Cole Sampson, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the court at Yakima, Washington, on the 14th day of May 2020, under the following conditions:

**Special Condition #6:** Defendant shall submit to random urinalysis and/or Breathalyzer testing as directed by the United States Probation/Pretrial Services Office, to include carrying a device through Smart Start agency that will alert Defendant when he must give a Breathalyzer test. Testing is limited to six times per day.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Mr. Sampson is alleged to be in violation of his pretrial release conditions by failing to submit to his portable Breathalyzer testing as required on December 23, 2020, during his 9 p.m. to 11 p.m. testing time frame, as well as his December 24, 2020, during his 5 a.m. to 6:30 a.m. testing time frame.

Conditions of pretrial release were reviewed and virtually signed (due to Covid-19 contact restrictions) by the defendant on May 14, 2020, acknowledging an understanding of his pretrial release conditions including special condition number 6.

On December 24, 2020, this officer received a text message from Mr. Sampson and a report via email from Smart Start, the portable Breathalyzer testing program Mr. Sampson is under, advising he failed to submit to his required tests as scheduled on December 23, between 9 p.m. and 11 p.m, and December 24, between 5 a.m. and 6:30 a.m. Mr. Sampson sent this officer a text message on December 24, 2020, advising why he missed his tests. Mr. Sampson stated he got "caught up wrapping presents with his children, then we watched a movie and went to bed." Mr. Sampson further stated "I woke up around 7:15 a.m. this morning (December 24) and realized I left my machine in the car after Christmas shopping." Mr. Sampson stated he turned on his machine and took a test at 7:20 a.m. This officer confirmed via Smart Start Mr. Sampson did submit a test at 7:23 a.m. on December 24, 2020, which was negative.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: December 28, 2020


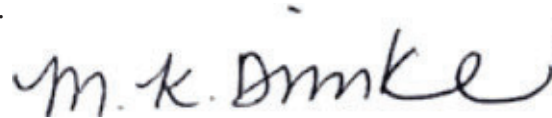
by s/Linda J. Leavitt

Linda J. Leavitt  
U.S. Pretrial Services Officer

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## THE COURT ORDERS

- ☒ No Action  
☐ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Defendant to appear before the Judge assigned to the case.  
☐ Defendant to appear before the Magistrate Judge.  
☐ Other



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Signature of Judicial Officer

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12/28/2020

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Date